

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Mpower Communications Corp.)	
for Establishment of New Flexible Contract)	CC Docket No. 01-117
Mechanism Not Subject to "Pick and Choose")	
)	
Review of the Section 251 Unbundling)	CC Docket No. 01-338
Obligations of Incumbent Local Exchange)	
Carriers)	

ORDER

Adopted: October 17, 2003

Released: October 17, 2003

By the Chief, Competition Policy Division:

1. On October 14, 2003, Mpower Communications Corp. (Mpower) withdrew the above-captioned May 25, 2001 Petition.¹ Mpower stated that under current telecommunications industry conditions, the proposal in its Petition will not promote more flexible and open negotiations between incumbent LECs and competitive LECs under existing "pick and choose" interconnection rules.

2. Accordingly, IT IS ORDERED, pursuant to sections 4(i) and 5(c)(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 155(c)(i), and authority delegated by sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that CC Docket No. 01-117 IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Competition Policy Division
Wireline Competition Bureau

¹ Letter from Douglas G. Bonner, Counsel for Mpower Communications Corp., to Marlene H. Dortch, Secretary, FCC (filed Oct. 14, 2003).

